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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,319	11/02/1999	RICHARD JOHN PROCTOR	P/61683	9894

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NEW YORK, NY 100176105

EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/432,319

Applicant(s)

SLATER, IAIN JAMES

Examiner

Ricardo M. Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12 and 18 is/are rejected.
- 7) ☒ Claim(s) 8,9 and 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In page 3 line 10 it is suggested to applicant to insert “(Plesiochronous Digital hierarchy) after -PDH- , in page 5 line 18 “(Digital junction Switching Units)” after -DJSUs-, in page 14 line 11 insert “end” after -far-. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Rose.

Rose (U.S. patent No. 6,449,278) discloses an exchange system for a communication network, comprising; a telecommunications system comprising one or more node (plurality of nodes with point codes disclosed in Fig. 4, col 7 lines 35-40) and a plurality of telephone exchanges (plurality of telephone exchanges A & B in Fig. 4) wherein two or more of the telephone exchanges are arranged to communicate via the one or more nodes (e.g. by both nodes collaborating in order to set up communication path between exchanges A & B using incoming trunk A-X and outgoing trunk B-Y, col 7 lines 44-49), wherein communication via the one or more nodes is in the form of packets (col 10 lines 43-51), wherein the one or more nodes comprise routers (nodes perform routing functions, e.g routers, col 7 lines 25-26) as in claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2- 4, 7, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Gorman.

Rose did not specifically disclose in said communication network having communication via said one or more nodes using Internet Protocol , as in claim 2; wherein at least some of the telephone exchanges are arranged to communicate with each other via the one or more nodes are trunk exchanges, as in claim 3 ; wherein at least some of the telephone exchanges are arranged to communicate with each other via the one or more nodes are trunk exchanges, as in claim 4 ; wherein communication between the local exchanges and the trunk exchanges uses ATM, as in claim 7; means for carrying voice traffic as voice over IP, as in claim 11; an adapter for providing the exchanges with means for converting traffic between packetized and non-packetized form, as in claim 12.

Gorman (U.S. patent No. 6, 370, 149) discloses a telecommunication system, comprising: having communication via said one or more nodes using Internet Protocol (IWU means 74 in Fig. 4 can alternatively interface an Internet protoco based network, col 7 lines 45-50), as in claim 2; wherein at least some of the telephone exchanges are arranged to communicate with each other via the one or more nodes are trunk exchanges (tandem locations 30 [e.g. trunk exchange] can provide trunk circuits 22 to connect two central offices or other tandem location 30, col 3 lines 27-32) as in claim 3 ; wherein at least some of the telephone exchanges are arranged to communicate with each other via the one or more nodes are local exchanges (local telephone subscribers directly connected to exchanges 20 in Fig. 1), as in claim 4; wherein communication between the local exchanges and the trunk exchanges uses ATM

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(communication between exchanges in the system can be implemented using data packet networks , such as ATM, IP, col 7 lines 45-50), as in claim 7; means for carrying voice traffic as voice over IP (voice communications can be transmitted using a data communications network such as the Internet, col 7 lines 20-27) , as in claim 11; means for providing said exchanges with means for converting traffic between packetized and non-packetized form (by providing a means IWU 74 to interface data access tandem 72 [packetized] and the class 5 switch [non-packetized] in Fig. 4 , col 6 lines 18-27) as in claim 12.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the exchange interfacing means as disclosed by Gorman which is able to convert a packetized data stream to a voice signal in a TR-303 format (non-packetized) to the exchange communication network disclosed by Rose with the motivation of providing in a communication network wherein expansion of the overall capacity is required a switching system that does not increase the amount of processing required per call and without adding to the expense incurred.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Allen.

Rose did not specifically disclose said the system comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 10.

Allen (U. S. patent No. 6,345,048) discloses an ATM based distributed virtual tandem switching system, comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 10.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the means for carrying voice traffic as disclosed by Allen to the

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communication network disclosed by Rose with the motivation of obtaining a trunk forecasting and provisioning system that in order to minimize overflow call volume, can adequately provide forecasting in such a way that the trunk group can handle the expected call volume.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rose and Gorman in further view of Allen.

Rose and Gorman did not specifically disclose said adapter comprising means for compression of voice traffic, as in claim 18.

Allen (U.S. patent No 6, 345, 048) discloses an IWF means comprising AAL2 means that can support voice compression (col 6 lines 30-32), as in claim 18.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the voice compression means as disclosed by Allen to the systems disclosed by Rose and Gorman in order to obtain a switching system that that is adapted to receive end office voice trunks and convert the trunks to ATM cells with the motivation of providing an ATM based distributed virtual tandem switching system that can replace a standard tandem switch.

10. Claims 5-6 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Rose and Gorman in further view of Cheesman.

Rose and Gorman did not specifically disclose in said system wherein all call handling in the system takes place outside the one or more nodes, as claim 5;we herein each of the trunk exchanges has a direct link to each of the one or more nodes, as in claim 6.

Cheesman (U.S. patent No. 6,282,194) discloses a trunk subnetwork system , said system comprising interconnecting nodes between exchanges and wherein call handling in the

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system takes place outside the one or more nodes (nodes 40 in Fig. 2 are not arranged to handle call processing between exchanges but rather to convert STM cell and transfer cells to ATM network, col 5 lines 34-36), as in claim 5; wherein each of the trunk exchanges has a direct link to each of the one or more nodes (Trunk exchanges 18, 24 and 26 are directly connected to nodes 40 in Fig. 2), as in claim 6.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the call processing and configuration as disclosed by Cheesman to the systems disclosed by Rose and Gorman with the motivation of providing a transit trunk subnetwork which interconnects end office off telecommunication carriers such that the transmit trunk subnetwork functions as an access tandem interconnecting end office.

Allowable Subject Matter

11. Claims 8-9, 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

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- US Patent No. 6,243,377 (Phillips et al) discloses a system for providing simultaneous voice and data transmission.
- US patent no. 6,335,936 (Bossemeyer et al) discloses Wide area communication networking.
- US 6,504,838 (Kwan) discloses a voice and data exchange over a packet based network with fax relay spoofing.

13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (703) 305-1121. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas Olms**, can be reached on (703) 305-4703.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

February 20, 2003

A handwritten signature in black ink, appearing to read 'Ricardo M. Pizarro', written over a horizontal line.

Ricardo M. Pizarro